

- UK 257,111 Rejection as well as the 35 U.S.C. § 103 Springer - UK 257,111-  
Claus - Fukute Rejection.

Submitted concurrently herewith is a Declaration Under 37 C.F.R. § 1.132 which was prepared by Dr. David N. Ivester. Applicants respectfully request full consideration of this Declaration as required by MPEP § 716.01 (b).

Dr. Ivester's background is such that he should be considered as least one of ordinary skill in the vertical turbine pump art. Dr. Ivester sets forth various testimonies including a fair interpretation of Springer and U.K. 257,111.

According to Dr. Ivester, the purpose of Springer's hollow tubular support member 300 having an inclined inner end at 306 is to correctly orient the impeller pump shaft 296 so as to retain the impeller 252 in a correct orientation in relation to the housing 248. (See paragraph 9a of the Declaration). Dr. Ivester further points out that Springer utilizes the hollow tubular support member 300 to correctly align the elements and not to provide a removable bearing cartridge. As he further argues, the lubricated bearings and seals utilized by Springer suggest to one of ordinary skill in the pump art that the hollow tubular support member 300 is not intended for removeability, but instead for alignment purposes. Thus, it is Dr. Ivester's concerted opinion that one of ordinary skill in the art would not have been motivated to utilize Springer's hollow tubular support member 300 (that is intended for alignment purposes) for an entirely different purpose for providing a removable bearing cartridge in a vertical turbine pump.

To support his arguments, Dr. Ivester points out certain facts. First of all, the hollow tubular support member 300 is described by Springer (Column 6, lines 39-

74) as performing an alignment function. As Dr. Ivester further points out, the lubricated bearings 299 are not subjected to frequent failure because they are not subjected to water or other liquids. Thus, according to Dr. Ivester, one of ordinary skill in the art would understand Springer's non-submerged pump as providing an improved alignment structure for aligning between the impeller pump shaft in the impeller and not as a removable bearing cartridge.

Although applicants emphasize some of the arguments of Dr. Ivester, applicants implore the Examiner to fully consider all of the arguments and their context within the 37 C.F.R. § 1.132 Declaration.

Applicants further submit that the Dr. Ivester Declaration is factually supported by the specifications of both Springer and U.K. 257,111 and further that there is a nexus between the evidence submitted by Dr. Ivester in his Declaration and the claimed invention.

For all of the reasons set forth in the January 7, 2000 Reply as well as the Dr. Ivester Declaration submitted herewith, taken alone or in combination, applicants respectfully request reconsideration and withdrawal of the 35 U.S.C. § 103 Springer-U.K. 257, 111 rejection as well as the 35 U.S.C. § 103 Springer-U.K. 257,111-Clause-Fukute rejection.

#### CONCLUSION

Should the Examiner have any questions concerning this application, the Examiner is invited to contact Michael R. Cammarata, Reg. No. 39,491 at (703) 205-8058 in the Washington, D.C. area.

Pursuant to the provisions of 37 C.F.R. § 1.17 and § 1.136(a), Applicant petitioned for an extension of three (3) months from October 7, 1999 to January 7, 2000 in which to file a response to the outstanding Office Action. The required fee was paid on January 7, 2000.

If necessary, the Commissioner is hereby authorized in this, concurrent, and further replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

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